

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 1 has been amended to improve its readability without narrowing its scope. This amendment is not in response to any rejection of the claims. No new matter has been added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-22 are now pending in this application.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 1, 6 and 8-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,751,454 to Thornton (“Thornton”).¹ Claims 4-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thornton in view of U.S. Publication 2003/0233278 to Marshall (“Marshall”). Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Thornton in view of U.S. Publication 2005/0046584 to Breed (“Breed”). Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1 recites a step of “the service providing server charging the user owning the first terminal device a fee for the transmission of the modification command for modifying the predetermined parameter [determining an operation of the first terminal device], in a case where the service providing server transmits, to the first terminal device, the modification command for modifying the predetermined parameter.” Thornton fails to disclose at least this feature of claim 1.

¹ The body of the rejection of the claims as being anticipated by Thornton discussed 1-3 and 8-22, not claims 1, 6 and 8-22 as listed on page 2 of the Office Action. In any event applicants address all of the claims with respect to the Thornton reference in the present Amendment and Reply.

Thornton discloses a system including a wireless communications device (WCD) 32, interactive voice response (IVR) server 22 and WWW server 12 (See Figure 1). Using the system, a wireless consumer may choose to purchase music in the form of a CD, LP, cassette, or mini disk (col. 9, lines 9-21). Prior to purchase, a consumer may choose to listen to an audio item. Once a consumer selects to listen to an audio item, the WWW server instructs the wireless device to terminate the data mode connection, and the IVR server is connected to the wireless device (col. 7, lines 14-28).

In contrast to claim 1, however, Thornton does not disclose either of its WWW server or its IVR server charging a user owning the wireless device a fee for the transmission of a modification command for modifying a predetermined parameter determining an operation of the wireless device, in a case where the server transmits, to the wireless device, the modification command for modifying the predetermined parameter. The servers of Thornton do not charge a fee for transmitting a modification command, as recited in claim 1, to the wireless device. It is unclear if the servers of Thornton charge a fee to the wireless device for the purchase of music such as a CD, LP, etc, but even if the servers charge such a fee, the fee is not for a modification command that is sent to the wireless device from the servers. Moreover, while the WWW server instructs the wireless device to terminate a data mode connection when a consumer selects to listen to an audio item, and the IVR server is then connected to the wireless device, Thornton does not disclose charging any fee to a user for merely selecting to listen to an audio item. Thus, even if the WWW server's instruction to the wireless device to terminate the data mode could be considered to be the transmission of a modification command, Thornton does not disclose the server charging a fee for such a transmission. Thus, Thornton fails to anticipate claim 1.

Thornton also fails to anticipate independent claim 14. Claim 14 recites "(I) a modification request accepting step of receiving a modification request from the second terminal device, the modification request requesting to transmit, to the first terminal device, a modification command for modifying a predetermined parameter determining an operation of the first terminal device; and (II) a modification command transmitting step of generating the modification command in accordance with the modification request, and then transmitting the modification command to the first terminal device." Thus in claim 14, a modification

command is generated in accordance with the modification request from a second terminal device to transmit a modification command to a first terminal device, and then the modification command is transmitted to the first terminal device. While Thornton discloses in Figure 2 a system with a number of WCDs 32, in contrast to claim 14, nowhere does Thornton disclose that a modification command is generated in accordance with a modification request from a second of the WCDs to transmit a modification command to a first of the WCDs, and then the modification command is transmitted to the first WCD. Thus, Thornton also fails to anticipate claim 14.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein. For example, dependent claim 3, which ultimately depends from claim 1, includes features similar to claim 14 as discussed above, and is patentable for analogous reasons.

As another example, dependent claim 6 recites “the first terminal device is an in-vehicle terminal device provided in an automobile owned by the user, and the predetermined parameter is a parameter determining an operation of the in-vehicle terminal device in a vehicle-antitheft system.” The Office Action relies on Marshall in paragraph [0116] for allegedly disclosing a vehicle-antitheft system. Marshall in paragraph [0116], however, merely discloses an ID theft protection program, and has nothing to do with a vehicle-antitheft system. Moreover, the Office Action provides no reasons as to why one skilled in the art would modify the system of Thornton, which is directed to a system which allows a user to listen to and purchase music, to include a vehicle-antitheft system.

As another example, dependent claim 7 recites “the predetermined parameter is a parameter identifying a type of intimidation action and/or reporting action to be carried out when a sensor provided in the automobile detects an abnormal situation.” The Office Action provides no reasons as to why one skilled in the art would modify the system of Thornton, which is directed to a system which allows a user to listen to and purchase music, to include a sensor provided in an automobile which detects an abnormal situation.

As another example, dependent claim 16 recites “in the step (III), it is judged whether the modification request received from the second terminal device is valid with reference to a combination-table specifying, in advance, whether or not each combination of the parameters of the first terminal device is permitted.” The Office Action refers to Thornton at col. 9, lines 8-21 as disclosing this feature. The cited section of Thornton, however, merely discloses details of a wireless consumer purchasing music, but does not disclose any “combination-table specifying, in advance, whether or not each combination of the parameters of the first terminal device is permitted” as in claim 16.

As another example, dependent claim 17 recites a “history recording step of storing, in a history information database, a content of a parameter setting when transmitting the modification command to the first terminal device.” The Office Action refers to Thornton at col. 10, lines 27-40 as disclosing this feature. The cited section of Thornton, however, merely discloses a computer system with a memory, but does not disclose that the memory records any “step of storing, in a history information database, a content of a parameter setting when transmitting the modification command to the first terminal device”, as recited in claim 17, nor is such storage inherent.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 23, 2006

By Thomas G. Bilodeau

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

William T. Ellis
Attorney for Applicant
Registration No. 26,874

Thomas G. Bilodeau
Attorney for Applicant
Registration No. 43,438